

J.

**EVENT VIOLATION**  
**INSPECTOR'S STATEMENT**  
**MINERALS REGULATORY PROGRAM**

Company/Mine: West Desert Collectors/ Robert or Shawn Harris CO # MC-2005-02-04(1)  
Permit #: S/025/006 Violation # 1 of 1

**SERIOUSNESS**

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- |                                     |    |  |
|-------------------------------------|----|--|
| <input type="checkbox"/>            | a. | Activity outside the approved permit area.                     |
| <input type="checkbox"/>            | b. | Injury to the public (public safety).                          |
| <input type="checkbox"/>            | c. | Damage to property.  |
| <input type="checkbox"/>            | d. | Conducting activities without appropriate approvals.           |
| <input checked="" type="checkbox"/> | e. | Environmental harm.  |
| <input type="checkbox"/>            | f. | Water pollution.   |
| <input type="checkbox"/>            | g. | Loss of reclamation/revegetation potential.                    |
| <input type="checkbox"/>            | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/>            | i. | No event occurred as a result of the violation.                |
| <input type="checkbox"/>            | j. | Other.   |

Explanation: Operator has expanded beyond area authorized under permit

2. Has the event or damage occurred? Yes  
If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: This permit was issued as a small mine disturbing less than 5 acres. During the August 2, 2005 inspection, it was found that the mine has expanded beyond the 5 acres limit.

3. Did any damage occur as a result of the violation? Yes

4.

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: The operator has disturbed approximately 8.75 acres of land while operating under a small mine permit.



**B. DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: \_\_\_\_\_

- ☐ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care?

Explanation: The operator

- ☒ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: The operator had reclaimed several areas within his lease area. Some of these areas had been reimpacted by later mining efforts. None of the areas that were reclaimed had been released, therefore all disturbances within the permit area remained a part of the permit.

- ☒ Was the operator in violation of a specific permit condition?

Explanation: The operator is aware that under his permit, he is only allowed to disturb a total of five acres.

- ☐ Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: \_\_\_\_\_

Was any economic benefit gained by the operator for failure to comply? Yes  
If yes explain.

Explanation: The operator has been harvesting and selling Septarian nodules from the areas that were disturbed.

**GOOD FAITH**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The operator has reclaimed some areas within this permit area, although none of these areas have been released. Some of these reclaimed areas have been reimpacted by subsequent mining operations.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: The operator presently does have the resources to comply with the cessation order.

3. Was the submission of plans prior to physical activity required by this NOV / CO? Yes If yes, explain.

Explanation: The operator will be required to submit a NOI-LMO

Doug Jensen  
Authorized Representative

  
Signature

9/8/05  
Date